

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KILEY CLAY, Inmate #R00217,)	
)	
Plaintiff,)	
)	
vs.)	
)	CIVIL NO. 06-752-DRH
UNITED STATES OF AMERICA, ROD R.)	
BLAGOJEVICH, RICHARD DALEY, and)	
LISA MADIGAN,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

On September 28, 2006, Plaintiff filed with the Court a hand-written document entitled, "Motion of Averment and Statement of Claims" (Doc. 1), which the Court construed as an attempt to initiate a civil action.

The Court has had the opportunity to briefly review the document filed by Plaintiff. In Local Rule 8.1(a)(1) the Court advises prisoners that there are complaint forms available if they wish to file a "civil complaint under 42 U.S.C. §1983, an application for writ of habeas corpus under 28 U.S.C. §2241, a petition under 28 U.S.C. §2254, or a motion under 28 U.S.C. §2255." Rule 8.1(a)(1) goes on to strongly urge prisoner plaintiffs to use the forms provided by this Court. The Court provides these forms because, if filled out properly, they provide the Court with the information it needs to thoroughly review a prisoners claim. A brief review of Plaintiff's claim indicates that much of the information called for in these forms is not provided in the document submitted by Plaintiff. In fact, the Court cannot tell from the document whether Plaintiff intends

this case to be an action pursuant to 42 U.S.C. § 1983, some other federal civil action, or an action for habeas corpus. The failure to provide necessary information may cause the action to be dismissed for failure to state a claim upon which relief can be granted. The Court, pursuant to Local Rule 8.1(a)(1) *strongly urges* plaintiff to refile his complaint on the forms provided by this Court. The Clerk of Court is **DIRECTED** to send plaintiff a sufficient number of 42 U.S.C. §1983 *and* habeas corpus complaint forms.

IT IS SO ORDERED.

DATED: October 2, 2006

/s/ David RHerndon
DISTRICT JUDGE